a thermally sensitive material on the mask in contact with the thermal sensor to aid in detection of thermal changes on that portion of the mask.

REMARKS

Regarding changes to the drawings:

The examiner stated that the "means for providing power to the mask" in claim 3, the "power source lead" in claim 4 and "a battery attached to the power lead source" and the "telemetry device" in claim 5, plus "an ear strap having an oxygen saturation sensor applied to the ear of the patient" in claim 20 must be shown in the drawings or cancelled from the claims.

All the above claims have been canceled Therefore no changes have been made to the drawings.

REGARDING THE SPECIFICATION:

All the examiners suggested changes to the specification have been made.

There seems to be a disagreement as to the page and line numbers referring to the same passage where a space is required between the word s. As noted with the amendment instructions the examiner's position and the applicant's position are both cited.

REGARDING THE CLAIMS:

The claims relating to the examiner's 112 rejections have all been cancelled except for claim 9 which has been amended and moved to new claim 33.

The examiner rejected claims 21 and 23-31 under 112 saying there was no guidance for the thermally sensitive material coated on the mask.

It is submitted that one skilled in the art can easily determine how to make the mask and select appropriate materials from the description given of the use of the material and from experience since this commonly done in the industry.

The examiner rejected claim 7 as being anticipated by Tripp Jr. et al. stating that Tripp Jr. et al. discloses sensors comprising transducers 304-308 contacting the skin of the wearer referring to Fig. 3 and the discussion in column 8 lines 29-44.

Nothing in Tripp Jr. et al. shows the use of a sensor on the skin of the wearer or on the perimeter of the mask. The sensors in Tripp Jr. et al. are over the bridge of the nose of the wearer recessed in a portion of the mask inside of the perimeter. The sensors are optical physiological monitoring sensors as in the patents sighted by Tripp Jr. et al. and comprise a light emitting source and a light receiving transducer, both of which are placed a distance from the skin of the user.

Claim 7 is therefore not anticipated by Tripp Jr. et al.

Claim 7 has been redrafted to include claim 1 and claim 7 of the old claims and presented as new claim 32. The new claim was amended to show the perimeter of the mask is on the outer edge of the mask as opposed to someplace on the inside of the mask as in Tripp Jr. et al. The outer edge perimeter acts as a flange on the mask for making contact with face. The claim was further amended to show that the leads are in the perimeter of the mask as are

the sensors. The prior art does not have these features. None of the prior art masks have a perimeter seal on the on the end of the mask with sensors and leads therein. Claim 33 is therefore allowable.

The examiner rejected claim 8 as being anticipated by Tripp Jr. et al. stating that Tripp Jr. et al. discloses a mask with a flexible interior conforming member 134 that contacts the face of the wearer.

As the examiner stated there is a flexible interior for contacting the face of the wearer. However the applicant's claim states the applicant is claiming a soft pliable material on the perimeter of the mask which is on the end of the mask. The soft pliable material on the perimeter at the end of the mask makes an airtight seal for the mask against the face of the wearer. The flexible interior of Tripp Jr. et al. does not seal the air inside the mask and is not like the soft pliable material on the perimeter of a mask as in the claim.

Claim 8 is therefore not anticipated by Tripp Jr. et al.

Claim 8 has been redrafted as claim 34, which is now dependent on former claims 7 and 9. Thus the soft pliable material is on the perimeter of the mask and has recesses in the surface for sensors making contact with the surface of the skin. The claim now emphasizes the recesses are on the surface of the perimeter on the end of the mask so the electrodes therein are in contact with the skin of the user. The prior art does not teach such a configuration.

The examiner rejected claim 9 as being anticipated by Tripp Jr. et al. stating that Tripp Jr. et al. discloses an aperture in which sensor transducers are located.

The claim is for a recess in a soft pliable material on the perimeter of the mask for a sensor to reside in for contacting the skin of the wearer of the mask. Tripp Jr. et al. has a sensor which does not touch the wearer and it is not in a recess on the perimeter of a mask it is in an aperture above the nose of the wearer to keep it away from the skin of the wearer.

Since the recesses are small and on the perimeter of the mask, when the mask is donned the sensors are pushed into contact with the skin of the wearer for a good contact. These teachings are totally absent in Tripp Jr. et al.

Claim 9 is therefore not anticipated by Tripp Jr. et al.

Claim 9 has been redrafted as claim 33, which further the recesses in the perimeter of the mask. The claim was amended to show the recess is on the surface of the perimeter so that the sensors come in contact with the face of the user.

The examiner rejected claim 10 as being anticipated by Tripp Jr. et al. stating that Tripp Jr. et al. discloses leads in the pliable material.

As is clearly seen in Fig. 1 the leads such as wires 123 and 124 (see column 5 line 34-40) are not in a soft pliable material on the perimeter of the mask as in the applicant's claims. The wires in Tripp Jr. et al. are clearly exposed on the inside of the mask.

Claim 10 is therefore not anticipated by Tripp Jr. et al.

The examiner rejected claim 12 as being anticipated by Tripp Jr. et al.

Claim 12 has been canceled.

The examiner rejected claim 14 as being anticipated by Tripp Jr. et al.

Claim 14 has been canceled.

The examiner rejected claim 1-3 and 6 as being anticipated by Wisemann et al.

Claims 1-3 and 6 have been canceled.

The examiner rejected claim 4 as being anticipated by Kettle et al.

Claim 4 has been canceled.

The examiner rejected claim 5 as being obvious over Wisemann et al. in view of Kettle et al..

Claim 5 has been canceled.

The examiner rejected claim 11 as being obvious over Wisemann et al. and Tripp Jr. et al in view of Woodson. The examiner show that the prior art has a form fitting mask with soft materials inside the mask and sensors inside the mask and that carbon materials are used with rubber in conductive rubber materials but nobody teaches putting the sensors on the outside perimeter of the mask which seals the gas in the mask. The combination taught by the references would not yield the applicants invention. Claim 11 is therefore allowable over the reference. Claim 11 of the former set of claims is now found in new claim 35 which is allowable.

The examiner rejected claims 13 and 15 as being obvious over Tripp Jr. et al in view of Bertheau.

Claims 13 and 15 have been canceled.

The examiner rejected claims 16-19 as being obvious over Tripp Jr. et al in view of Bertheau and Brown.

Claims 16-19 have been canceled.

The examiner rejected claim 20 as being obvious over Tripp Jr. et al in view of Bertheau and Brown.

Claim 20 have been canceled.

The examiner rejected claims 21-27 and 29-31 as being obvious over Wisemann et al in view of Gruenke et al.

Claims 21-27 and 29-31 have been canceled.

The examiner rejected claim 28 as being obvious over Wisemann et al in view of Gruenke et al. and Hansen.

Claim 28 has been canceled.

Allowable claim 7 has been redrafted to include claim 1 which as shown above is now allowable claim 32. All the remaining new claims are dependent on allowable claim 32 and are also allowable.

Respectfully submitted,

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VERSION WITH MARKINGS TO SHOW CHANGES MADE TO THE SPECIFICATION

On page 10 fourth full paragraph.

A surface blood pressure sensor 90 on the perimeter 12 of the [mask10] mask 10 in contact with the patient can be used to monitor the [patients] patient's blood pressure.

On page 7 third paragraph bridging to page 8 the following changes were made.

Fig. 5 shows an example of the types of sensors 25 used in zones 20 around the perimeter of the mask 10. Physiological signals from a patient's skin potential are detected by sensors in the zones 20 around perimeter 12 of mask 10. Conductive electrode paste [40] may be used to improve the electrical contact between the sensors 25 and the surface of the skin. The conductive paste [40] can assist in reducing the impedance between the face and the electrical output from the sensors 25 in zones 20. The conductive paste [40] may also assist in preventing gas leaks.